

## ***REMARKS***

In the August 9, 2007 Office Action, claims 1-29 and 59-67 are withdrawn from examination, and claims 30-58 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

### ***Status of Claims and Amendments***

In response to the August 9, 2007 Office Action, Applicant has amended claims 30, 36, 40, 45, 49, 54, and 58, canceled claims 1-29 and 59-67, and added new claim 68 as indicated above. Further, Applicant has amended claim 35 to correct a form error. Thus, claims 30-58 and 68 are pending, with claims 1, 11, 19, 29, 30, 36, 40, 45, 49, 54, 58, 59, and 67 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

### ***Interview Summary***

On October 4, 2007 the undersigned conducted a telephonic interview with Examiner Dixon, who is in charge of the above-identified patent application. Applicant wishes to thank Examiner Dixon for the opportunity to discuss the above-identified patent application during the Interview of October 4, 2007.

### ***Rejections - 35 U.S.C. § 102***

In item 2 of the Office Action, claims 30-58 stand rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication No. 11-020787 (Furuta). In response, Applicant has amended independent claims 30, 36, 40, 45, 49, 54, and 58 to define the present invention over the prior art of record.

In particular, Applicant has amended claim 30 to recite that an oxygen partial pressure calculating and monitoring unit is configured to calculate oxygen partial pressure of each of the first and second cylinders and to prohibit the diver based on a result of calculating the oxygen partial pressure, upon a determination of a possibility of oxygen deficiency or oxygen poisoning in using the second cylinder, from switching from the first cylinder to the second cylinder when the diver attempts to switch to the second cylinder from the first cylinder. Furuta is cited in the Office Action to show the oxygen partial pressure calculating and monitoring unit; however, Applicant respectfully asserts that a body nitrogen amount calculating means 60 of Furuta is for calculating nitrogen amount in the body, as translated. In contrast, claim 30 of the application recites how to prohibit the user from switching between the cylinders.

Applicant respectfully asserts that this structure is *not* disclosed or suggested by Furuta or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicant respectfully submits that claim 30, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Applicant respectfully asserts that the similarly amended claims 36, 40, 45, 49, 54, and 58 are allowable for the same or similar reasons stated above.


Moreover, Applicant believes that the dependent claims 31-35, 37-39, 41-44, 46-48, 50-53, and 55-57 are also allowable over the prior art of record in that they depend from independent claims 30, 36, 40, 45, 49, 54, and 58, and therefore are allowable for the reasons stated above. Also, the dependent claims 31-35, 37-39, 41-44, 46-48, 50-53, and 55-57 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate the independent claims 30, 36, 40, 45, 49, 54, and 58, neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 30-58 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

  
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